

AMENDED IN ASSEMBLY APRIL 10, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2113

Introduced by Assembly Members Bogh and Leslie
(Coauthors: Assembly Members Aanestad, Bates, Briggs, John
Campbell, Cogdill, Cox, Daucher, Dickerson, Harman,
Hollingsworth, La Suer, Leach, Leonard, Maddox, Mountjoy,
Pescetti, Strickland, Wyland, and Wyman)
(Coauthors: Senators Ackerman, Monteith, and Morrow)

February 19, 2002

An act to amend Section 529.5 of the Penal Code, and to amend Sections 12814, 12815, and 13000 of the Vehicle Code, relating to identification, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as amended, Bogh. Identification.

Existing law provides for the issuance of drivers' licenses, identification cards, and other official identity documents by governmental entities, including the Department of Motor Vehicles. Existing law makes it a crime to manufacture, offer for sale, sell, or transfer a document that falsely appears to be a government-issued identification card or driver's license, or to obtain the personal identifying information of another person without that person's authorization and to use that information for any unlawful purpose.

This bill would make it a felony for a government employee to knowingly assist another person in obtaining a driver's license, identification card, or any other official identity document if the

government employee knows that the person is not entitled to that document. This bill would also provide that a person who violates the new provision would serve an additional and consecutive term of 10 years in the state prison if the offense assists another to commit a terrorist crime, as specified.

By creating a new crime, this bill would impose a state-mandated local program.

Existing law requires the Department of Motor Vehicles to issue licenses and identification cards, including renewing licenses and cards, and replacing lost, stolen, or mutilated licenses and cards, to persons attesting to certain information, as specified. Existing law provides, if a license or identification card is lost, destroyed, mutilated, or a new true full name is acquired, that the person may make application for a new card.

This bill would provide that an application for a duplicate license or identification card based on the loss, destruction, or mutilation of a previously issued license or card must be made in person. This bill would also require the department to compare all photographs and information ~~on in the file with~~ that the department *maintains on an applicant* with the likeness and information obtained from the applicant prior to the issuance of the license or identification card, or for a personally renewed license.

This bill would also indicate it is not to be construed to require alteration of the department's procedures for reconciling the information and likeness obtained from an applicant with those in the applicant's departmental file.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 529.5 of the Penal Code is amended to read:

529.5. (a) (1) Every person who manufactures, sells, offers for sale, or transfers any document, not amounting to counterfeit, purporting to be a government-issued identification card or driver's license, which by virtue of the wording or appearance thereon could reasonably deceive an ordinary person into believing that it is issued by a government agency, and who knows that the document is not a government-issued document, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both the fine and imprisonment.

(2) Any person who, having been convicted of a violation of subdivision (a), is subsequently convicted of a violation of subdivision (a), is punishable for the subsequent conviction by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars (\$5,000), or by both the fine and imprisonment.

(3) Any person who possesses a document described in subdivision (a) and who knows that the document is not a government-issued document is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) and not more than two thousand five hundred dollars (\$2,500). The misdemeanor fine shall be imposed except in unusual cases where the interests of justice would be served. The court may allow an offender to work off the fine by doing community service. If community service work is not available, the misdemeanor shall be punishable by a fine of up to one thousand dollars (\$1,000), based on the person's ability to pay.

(4) If an offense specified in this section is committed by a person when he or she is under 21 years of age, but is 13 years of age or older, the court also may suspend the person's driving privilege for one year, pursuant to Section 13202.5 of the Vehicle Code.

(b) (1) Any person employed by a governmental entity who assists another person in obtaining a driver's license, identification card, or any other official identity document, with knowledge that the other person is not entitled to that document, is guilty of a

1 felony punishable by imprisonment in the state prison, and a fine
2 not to exceed ten thousand dollars (\$10,000).

3 (2) If a person violates paragraph (1) of this subdivision, and
4 thereby assists any other person in committing a crime defined in
5 Article 4 (commencing with Section 11350), Article 4.6
6 (commencing with Section 11415), or Article 5 (commencing
7 with Section 11450), of Chapter 3 of Title 1 of Part 4, he or she
8 shall be punished by imprisonment in the state prison for 10 years,
9 in addition and consecutive to the punishment specified in
10 paragraph (1).

11 SEC. 2. Section 12814 of the Vehicle Code is amended to
12 read:

13 12814. (a) Application for renewal of a license shall be made
14 at an office of the Department of Motor Vehicles by the person to
15 whom the license was issued. The department may in its discretion
16 require an examination of the applicant as upon an original
17 application, or an examination deemed by the department to be
18 appropriate considering the licensee's record of convictions and
19 accidents, or an examination deemed by the department to be
20 appropriate in relation to evidence of a condition which may affect
21 the ability of the applicant to safely operate a motor vehicle. The
22 age of a licensee, by itself, shall not constitute evidence of a
23 condition requiring an examination of the driving ability. If the
24 department finds any evidence, the department shall disclose the
25 evidence to the applicant or licensee. In the event the person is
26 absent from the state at the time the license expires, the Director
27 of Motor Vehicles may extend the license for a period of one year
28 from the expiration date of the license.

29 (b) Renewal of a driver's license shall be under terms and
30 conditions prescribed by the department. However, except for
31 renewals pursuant to Section 12814.5 where no personal
32 appearance is required, the department shall compare all
33 photographs and information ~~on~~ *in the file* ~~with~~ *that* the
34 department *maintains on an applicant* to the likeness and
35 information obtained from the person requesting the renewed
36 license prior to issuing a new driver's license.

37 (c) The department may adopt and administer those regulations
38 as shall be deemed necessary for the public safety in the
39 implementation of a program of selective testing of applicants,

1 and, with reference to this section, the department may waive tests
2 for purposes of evaluation of selective testing procedures.

3 (d) This section shall become operative on January 1, 2011.

4 SEC. 3. Section 12814 of the Vehicle Code is amended to
5 read:

6 12814. (a) Application for renewal of a license shall be made
7 at an office of the Department of Motor Vehicles by the person to
8 whom the license was issued. The department, in its discretion,
9 may require an examination of the applicant as upon an original
10 application, or an examination deemed by the department to be
11 appropriate considering the licensee's record of convictions and
12 accidents, or an examination deemed by the department to be
13 appropriate in relation to evidence of a condition that may affect
14 the ability of the applicant to safely operate a motor vehicle.
15 Except as provided in Section 12814.1, the age of a licensee, by
16 itself, shall not constitute evidence of a condition requiring an
17 examination of the driving ability. If the department finds any
18 evidence of a condition requiring an examination, the department
19 shall disclose the evidence to the applicant or licensee. In the event
20 that person is absent from the state at the time the license expires,
21 the Director of Motor Vehicles may extend the license for a period
22 of one year from the expiration date of the license.

23 (b) Renewal of a driver's license shall be under terms and
24 conditions prescribed by the department. However, except for
25 renewals pursuant to Section 12814.5 where no personal
26 appearance is required, the department shall compare all
27 photographs and information ~~on~~*in the file* ~~with that~~ the
28 department *maintains on an applicant* to the likeness and
29 information obtained from the person requesting the renewed
30 license prior to issuing a new driver's license.

31 (c) The department may adopt and administer regulations it
32 deems necessary for the public safety in the implementation of a
33 program of selective testing of applicants, and, with reference to
34 this section, the department may waive tests for purposes of
35 evaluation of selective testing procedures.

36 (d) This section shall remain in effect only until January 1,
37 2011, and as of that date is repealed, unless a later enacted statute,
38 that is enacted before January 1, 2011, deletes or extends that date.

39 SEC. 4. Section 12815 of the Vehicle Code is amended to
40 read:

1 12815. (a) If a driver's license issued under this code is lost,
2 destroyed or mutilated, or a new true, full name is acquired, the
3 person to whom it was issued shall obtain a duplicate upon
4 furnishing in person to the department the following:

5 (1) Satisfactory proof of that loss, destruction, or mutilation.

6 (2) If the licensee is a minor, evidence of permission to obtain
7 a duplicate secured from the parents, guardian, or person having
8 custody of the minor.

9 (b) If the original license is lost, destroyed, or mutilated, the
10 department, prior to issuing a permanent duplicate driver's
11 license, shall compare all photographs and information ~~on~~ *in the*
12 ~~file with~~ *that the department maintains on an applicant* to the
13 likeness and information obtained from the person requesting the
14 duplicate license.

15 (c) Any person who loses a driver's license and who, after
16 obtaining a duplicate, finds the original license shall immediately
17 destroy the original license.

18 (d) A person in possession of a valid driver's license who has
19 been informed either by the department or by a law enforcement
20 agency that the document is mutilated shall surrender the license
21 to the department not later than 10 days after that notification.

22 (e) For purposes of this section, a mutilated license is one that
23 has been damaged sufficiently to render any or all of the elements
24 of identity set forth in Sections 12800.5 and 12811 unreadable or
25 unidentifiable through visual, mechanical, or electronic means.

26 SEC. 5. Section 13000 of the Vehicle Code is amended to
27 read:

28 13000. (a) The department may issue an identification card
29 to any person attesting to the true full name, correct age, and other
30 identifying data as certified by the applicant for the identification
31 card.

32 (b) Any person 62 years of age or older may apply for, and the
33 department upon receipt of a proper application therefor shall
34 issue, an identification card bearing the notation "Senior Citizen".

35 (c) Every application for an identification card shall be signed
36 and verified by the applicant before a person authorized to
37 administer oaths and shall be supported by bona fide documentary
38 evidence of the age and identity of the applicant as the department
39 may require, and shall include a legible print of the thumb or finger
40 of the applicant.

(d) Every application for a duplicate identification card, based on the loss, destruction, or mutilation of an identification card previously issued under this section, shall be made in person. The department, prior to the issuance of the duplicate identification card, shall compare all photographs and information ~~on~~ *in the file with that the department maintains on an applicant* to the likeness and information obtained from the applicant requesting the duplicate card.

(e) Any person 62 years of age or older, and any other qualified person, may apply for, or possess, an identification card under the provisions of either subdivision (a) or (b), but not under both of those provisions.

SEC. 6. *Nothing in this bill may be construed to require the alteration of the existing procedures used by the Department of Motor Vehicles when a problem appears in reconciling the information and likeness obtained from an applicant with the information on file with the department.*

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SEC. 7.—~~

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To properly prevent, investigate, and prosecute fraud, including fraud in support of acts of terror, which pose an immediate and ongoing threat to the safety of this state and its citizens, it is necessary that this act go into immediate effect.